

Mark Neely  
May 1, 2000

California Regional Water Quality Control Board  
North Coast Region

ORDER NO. R1-2000-##  
ID No. 1B00034RSON

WASTE DISCHARGE REQUIREMENTS

FOR

SONOMA COUNTY WATER AGENCY  
HEALDSBURG WAR MEMORIAL DAM FISH LADDER

Sonoma County

The California Regional Water Quality Control Board, North Coast Region, (hereinafter the Regional Water Board) finds that:

1. The Sonoma County Water Agency (hereinafter discharger) submitted a Report of Waste Discharge dated March 22, 2000. The report describes the construction of a fish ladder at the existing Healdsburg War Memorial Dam in the Russian River, to allow passage of American shad and to enhance passage of chinook and coho salmon and steelhead. The construction is scheduled to last for one year.
2. The site is adjacent to the dam, and is located within Sections 21, 18, and 33, T9N, R9W, MDB&M of the Healdsburg Quadrangle, as shown in Attachment A. The project area extends along the Russian River from the Healdsburg Avenue bridge south to approximately 500 feet south of the Highway 101 overpass. The Healdsburg War Memorial Dam was constructed in 1953, and is maintained by the Sonoma County Regional Parks Department (County Parks). Each summer County Parks installs flashboards on the dam to create a recreational swimming area at the Veterans Memorial Beach.
3. The foundation of Healdsburg Dam acts as a grade control structure that protects the upstream reach from erosion, but results in downcutting a steeper gradient downstream. In 1969, the California Department of Fish and Game expressed concern that the dam constituted an impassable barrier to upstream migration of anadromous fish. In 1993 the California Fish and Game Commission ordered the County of Sonoma (County) to build a fish ladder at the dam. The County and Fish and Game determined that the project was categorically exempt from the California Environmental Quality Act (CEQA). In response to a lawsuit, the court ruled in 1994 that the project was subject to CEQA. The Final Environmental Impact Report (EIR) was completed by the California Department of Fish and Game in September, 1997, and certified on June 2, 1998. The County Board of

Supervisors instructed the discharger to design and construct the fish ladder.

4. The fish ladder is to be constructed primarily of reinforced concrete and steel, and will be approximately 38 feet wide and 140 feet long. The construction will entail nine sequential construction activities:
  - Install construction fencing yard and develop new street access.
  - Construct temporary sandbag/gravel filter coffer dam (approximately 3,510 cubic yards of temporary fill).
  - Construct access road to work area (approximately 670 cubic yards of permanent fill).
  - Excavate boulder riprap and bed material for temporary sheet pile coffer dams.
  - Install temporary sheet pile dams.
  - Construct 30-inch diameter attraction water pipe, to induce migrating fish to use the ladder.
  - Construct fish ladder (approximately 1161 cubic yards of permanent fill).
  - Remove temporary sheet pile coffer dam.
  - Remove sandbag/gravel filter coffer dam.
5. The proposed project will temporarily affect 0.51 acres of jurisdictional waters and would permanently affect 0.26 acres of waters. The fish ladder will impact 0.09 acres of jurisdictional wetlands.
6. Some turbidity will probably occur as a result of these activities, but it should be of short duration and is not expected to adversely effect beneficial uses.
7. The Regional Water Board Water Quality Control Plan for the North Coast Region includes water quality objectives and receiving water limitations.
8. The beneficial uses of the Russian River include:
  - a. municipal and domestic supply (MUN)
  - b. agricultural supply (AGR)
  - c. industrial service supply (IND)
  - d. industrial process (PROC)
  - e. groundwater recharge (GWR)
  - f. navigation (NAV)
  - g. hydropower generation (POW)
  - h. water contact recreation (REC1)
  - i. noncontact water recreation (REC2)
  - j. commercial and sport fishing (COMM)
  - k. warm freshwater habitat (WARM)
  - l. cold freshwater habitat (COLD)
  - m. wildlife habitat (WILD)
  - n. migration of aquatic organisms (MIGR)

- o. spawning, reproduction, and/or early development (SPWN)
  - p. estuarine habitat (EST)
  - q. aquacultural (AQUA)
9. A Notice of Determination was filed on September 22, 1998 to satisfy the requirements of the California Environmental Quality Act. Potential water quality impacts have been substantially lessened by various mitigation measures. Construction could result in discharge of sediment, construction materials, and/or hazardous materials, but this will be prevented by adhering to the following: the "General Industry Safety Orders" (Code of California Regulations , Title 8); the conditions and mitigations set forth in the "Supplement To Application For Individual Permit to U.S. Army Corps Of Engineers San Francisco District"; and the provisions contained in this Order. Biological resources will be protected by ongoing revegetation, erosion control, and bank stabilization measures. Water contact recreation will be temporarily impacted, but signage will point out alternative recreation opportunities nearby. The Regional Water Board has considered the EIR and proposed mitigation measures and has determined that compliance with this order will mitigate any potential adverse water quality impacts.
10. The Regional Water Board has notified the discharger and interested agencies and persons of its intent to prescribe waste discharge requirements for the discharge and has provided them with an opportunity to submit their written comments and recommendations.
11. The Regional Water Board, in a public meeting, heard and considered all comments pertaining to the discharge.
12. The permitted discharge is consistent with the antidegradation provision of State Water Resources Control Board Resolution No. 68-16, Statement of Policy with Respect to Maintaining High Quality of Waters in California. The impact on existing water quality will be insignificant.

THEREFORE, IT IS HEREBY ORDERED that the discharger, in order to meet the provisions contained in Division 7 of the California Water Code and regulations adopted thereunder, shall comply with the following:

#### **A. DISCHARGE PROHIBITIONS**

- 1 The discharge of any waste not specifically regulated by this Order is prohibited.

- 2 Creation of a pollution, contamination, or nuisance, as defined by Section 13050 of the California Water Code (CWC), is prohibited. [Health and Safety Code, Section 5411]
- 3 The discharge of soil, silt, bark, slash, sawdust, or other organic and earthen materials from any logging, construction, or associated activity of whatever nature into any stream or watercourse in the basin in quantities deleterious to fish, wildlife, or other beneficial uses is prohibited.
- 4 The placing or disposal of soil, silt, bark, slash, sawdust, or other organic and earthen materials from any logging, construction, or associated activity of whatever nature at locations where such material could pass into any stream or watercourse in the basin in quantities which would be deleterious to fish, wildlife, or other beneficial uses is prohibited.
- 5 The operation of construction equipment in the live stream, except as provided in Provision D.5, is prohibited.

## **B. EFFLUENT LIMITATIONS**

1. The waste discharge must not cause the dissolved oxygen concentration of the receiving waters to be depressed below 7.0 mg/l. In the event that the receiving waters are determined to have a dissolved oxygen concentration of less than 7.0 mg/l, the discharge shall not depress the dissolved oxygen concentration below the existing level.
2. The discharge must not cause the pH of the receiving waters to be depressed below 6.5 nor raised above 8.5. Within this range, the discharge shall not cause the pH of the receiving waters to be changed at any time by more than 0.5 units from that which occurs naturally.
3. The discharge must not cause the turbidity of the receiving waters to be increased more than 20 percent above naturally occurring background levels except as provided in Provision D.4.
4. The discharge must not cause the receiving waters to contain floating materials, including solids, liquids, foams, and scum, in concentrations that cause nuisance or adversely affect beneficial uses.
5. The discharge must not cause the receiving waters to contain taste or odor-producing substances in concentrations that impart undesirable tastes or odors to fish flesh or other edible products of aquatic origin, that cause nuisance, or that adversely affect beneficial uses.

6. The discharge of waste must not cause esthetically undesirable discoloration of the receiving waters.
7. The discharge must not cause bottom deposits in the receiving waters to the extent that such deposits cause nuisance or adversely affect beneficial uses.
8. The discharge must not contain concentrations of biostimulants which promote objectionable aquatic growths to the extent that such growths cause nuisance or adversely affect beneficial uses of the receiving waters.
9. The discharge must not cause the receiving waters to contain toxic substances in concentrations that are toxic to, or that produce detrimental physiological responses in human, plant, animal, or aquatic life.
10. The discharge must not cause a measurable temperature change in the receiving waters.
11. The discharge must not cause bioaccumulation of pesticide, fungicide or wood treatment chemical concentrations in bottom sediments or aquatic life.
12. The discharge must not cause the receiving waters to contain oils, greases, waxes, or other materials in concentrations that result in a visible film or coating on the surface of the water or on objects in the water, that cause nuisance or that otherwise adversely affect beneficial uses.
13. This discharge must not cause a violation of any applicable water quality standard for receiving waters adopted by the Regional Water Board or the State Water Resources Control Board as required by the Federal Water Pollution Control Act, and regulations adopted thereunder. If more stringent applicable water quality standards are promulgated or approved pursuant to Section 303 of the Federal Water Pollution Control Act, or amendments thereto, the Regional Water Board will revise and modify this Permit in accordance with such more stringent standards.

### **C. SOLIDS DISPOSAL**

1. Solid waste<sup>1</sup> removed from the job site shall be disposed of at a legal point of disposal, and in accordance with the provisions of Title 27, Division 2, Subdivision 1 of the California Code of Regulations or as waived pursuant to Section 13269 of the California Water Code.

#### D. PROVISIONS

1. Storage and use of any fuels, oils or toxic substances at the project location or offsite staging areas shall be done in such a way as to not cause a threat to water quality. All spills and leaks shall be cleaned up immediately and all contaminated materials shall be disposed of at an approved disposal site.
2. The discharger shall submit the contractor(s)' Water Pollution Control Plan at least thirty days prior to commencement of the project. The contractor's plan must describe the chronology of construction activities for this project and the estimated time of the year that each activity is to take place.
3. Excess earthen materials, demolition materials and organic material generated during the project shall be disposed of at sites approved by the Regional Water Board, as provided in Title 27, Division 2, Subdivision 1 of the California Code of Regulations. If a disposal site is to be used that has not been previously approved by the Regional Water Board, the discharger shall obtain approval of the new disposal site at least 30 days prior to initiation of proposed work.
4. The construction of the fish ladder, access roads, coffer dams, and other water quality control facilities can result in turbidity. These activities are normally of short duration and any resulting turbidity will not adversely affect beneficial uses if the discharge is properly controlled. Any activity of this nature shall not increase the turbidity of the affected waters by more than the following:

a: Within the area of immediate influence:

<u>Background Turbidity Upstream of the Operation</u>	<u>Allowable Increase Immediately Downstream of the Operation</u>
0 - 30 NTU	5 NTU
Greater than 30 NTU	10 NTU

b: Outside the area of immediate influence (as measured a maximum of 500 feet downstream) there shall be no increase above background turbidity.

---

<sup>1</sup> Solid waste includes: construction debris, demolition debris, soil, silt, bark, slash, sawdust, or other organic or earthen material.

5. The discharger shall conform to terms of the agreement from the State of California, Department of Fish and Game for any stream alterations.
6. The discharger shall conduct all activities consistent with their Report of Waste Discharge dated March 22, 2000, and comply with all mitigation measures in the Healdsburg Summer Dam Fish Ladder Final Environmental Impact Report and the Supplement to Application for Individual Permit to US Army Corps Of Engineers San Francisco District.
7. A copy of this Order shall be maintained at the construction site and be available at all times to operating personnel.

8. Severability

Provisions of these waste discharge requirements are severable. If any provision of these requirements is found invalid, the remainder of these requirements shall not be affected.

9. Operation and Maintenance

The discharger must maintain in good working order and operate as efficiently as possible any facility or control system installed by the discharger to achieve compliance with the waste discharge requirements.

10. Change in Discharge

The discharger must promptly report to the Regional Water Board any material change in the character, location, or volume of the discharge.

11. Change in Ownership

In the event of any change in control or ownership of land or waste discharge facilities presently owned or controlled by the discharger, the discharger must notify the succeeding owner or operator of the following items by letter, a copy of which must be forwarded to the Regional Water Board:

- a. existence of this Order, and
- b. the status of the discharger's annual fee account

12. Vested Rights

This Order does not convey any property rights of any sort or any exclusive privileges. The requirements prescribed herein do not authorize the commission

of any act causing injury to persons or property, nor protect the discharger from his liability under federal, State, or local laws, nor create a vested right for the discharger to continue the waste discharge.

13. Monitoring

The discharger must comply with the Contingency Planning and Notification Requirements Order No. 74-151 and the Monitoring and Reporting Program No. R1-2000-## and any modifications to these documents as specified by the Executive Officer. Such documents are attached to this Order and incorporated herein. Chemical, bacteriological, and bioassay analyses must be conducted at a laboratory certified for such analyses by the State Department of Health Services.

14. Inspections

The discharger shall permit authorized staff of the Regional Water Board:

- a. entry upon premises in which an effluent source is located or in which any required records are kept;
- b. access to copy any records required to be kept under terms and conditions of this Order;
- c. inspection of monitoring equipment or records; and
- d. sampling of any discharge.

15. Noncompliance

In the event the discharger is unable to comply with any of the conditions of this Order due to:

- a. breakdown of waste treatment equipment;
- b. accidents caused by human error or negligence; or
- c. other causes such as acts of nature;

the discharger must notify the Executive Officer by telephone as soon as he or his agents have knowledge of the incident and confirm this notification in writing within two weeks of the telephone notification. The written notification shall include pertinent information explaining reasons for the noncompliance and shall indicate the steps taken to correct the problem and the dates thereof, and the steps being taken to prevent the problem from recurring.

16. Revision of Requirements

The Regional Water Board will review this Order periodically and may revise requirements when necessary.

Certification

I, Lee A. Michlin, Executive Officer, do hereby  
certify that the foregoing is a full, true, and  
correct copy of an Order adopted by the  
California Regional Water Quality Control  
Board, North Coast Region, on May 25, 2000.

---

Lee A. Michlin  
Executive Officer

(HBfishladderWDR)